

**THIRTY-NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 17, 2005**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused -- Bradford. Total -- 1.
Total -- 70.

Prayer was offered by Representative Loertscher.

The Pledge of Allegiance was led by Jennifer Stemple, Page.

Approval of Journal

February 17, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-eighth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 16, 2005

Mr. Speaker:

I return herewith enrolled **H 10** and **H 14** which have been signed by the President.

WOOD, Secretary

Enrolled **H 10** and **H 14** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 16, 2005

Mr. Speaker:

I transmit herewith **SCR 107** which has passed the Senate.

WOOD, Secretary

SCR 107 was filed for first reading.

Report of Standing Committees

February 17, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 16**, **H 222**, **H 223**, **H 224**, **H 225**, **H 226**, **H 227**, **H 228**, **H 229**, and **H 230** and House Amendments to **H 1**, **H 49**, **H 63**, **H 85**, and **H 145**.

FIELD(18), Chairman

HCR 16 and **H 230** were referred to the Environment, Energy, and Technology Committee.

H 222, **H 223**, **H 224**, **H 225**, **H 226**, **H 227**, and **H 228** were referred to the State Affairs Committee.

H 229 was referred to the Resources and Conservation Committee.

February 17, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 1**, as amended, **H 49**, as amended, **H 63**, as amended, **H 85**, as amended, and **H 145**, as amended.

FIELD(18), Chairman

H 1, as amended, **H 49**, as amended, **H 63**, as amended, **H 85**, as amended, and **H 145**, as amended, were filed for first reading of engrossed bills.

February 16, 2005

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 147**, **H 187**, **H 184**, and **H 181** and recommend that they do pass.

WOOD, Chairman

H 147, **H 187**, **H 184**, and **H 181** were filed for second reading.

February 16, 2005

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration **H 176** and recommend that it do pass.

RAYBOULD, Chairman

H 176 was filed for second reading.

February 16, 2005

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 33** and **SCR 106** and recommend that they do pass.

JONES, Chairman

H 33 and **SCR 106** were filed for second reading.

February 16, 2005

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 41** and **HJM 3** and recommend that they do pass.

BLOCK, Chairman

H 41 and **HJM 3** were filed for second reading.

February 17, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 150** and recommend that it do pass.

DEAL, Chairman

H 150 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 107, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 231 BY EDUCATION COMMITTEE AN ACT

RELATING TO TUITION AT INSTITUTIONS OF HIGHER EDUCATION; REPEALING SECTION 33-3717, IDAHO CODE; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3717, IDAHO CODE, TO AUTHORIZE FEES FOR ATTENDANCE AT THE UNIVERSITY OF IDAHO; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3717A, IDAHO CODE, TO AUTHORIZE FEES, INCLUDING TUITION FEES, FOR ATTENDANCE AT STATE COLLEGES AND UNIVERSITIES OTHER THAN THE UNIVERSITY OF IDAHO; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3717B, IDAHO CODE, TO ESTABLISH RESIDENCY REQUIREMENTS FOR ATTENDANCE AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION; AMENDING SECTION 33-3717A, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO INCLUDE REFERENCE TO FEES; AND AMENDING SECTIONS 33-3720, 33-4306 AND 33-4403, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 232 BY EDUCATION COMMITTEE AN ACT

RELATING TO COCKFIGHTING; REPEALING SECTION 25-3506, IDAHO CODE, RELATING TO THE EXHIBITION OF COCKFIGHTS; AND AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3506, IDAHO CODE, TO PROHIBIT CERTAIN ACTS RELATING TO COCKFIGHTING AND TO PROVIDE PUNISHMENT.

HOUSE BILL NO. 233 BY EDUCATION COMMITTEE AN ACT

RELATING TO DOGFIGHTING; AMENDING SECTION 25-3507, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE, TO PROHIBIT CERTAIN ACTS RELATING TO DOGFIGHTING AND TO PROVIDE PUNISHMENT.

HOUSE BILL NO. 234 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO BARBERS; AMENDING SECTION 54-507, IDAHO CODE, TO REVISE LICENSURE AND APPROVAL REQUIREMENTS OF BARBER COLLEGES; AND AMENDING SECTION 54-521, IDAHO CODE, TO PROVIDE THAT THE GOVERNOR SHALL GIVE CONSIDERATION TO ALL NOMINATIONS WHEN APPOINTING THE BOARD OF BARBER EXAMINERS AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 235 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO LICENSES FOR DRINKING WATER OPERATORS; AMENDING SECTION 54-2411, IDAHO CODE, TO PROVIDE REINSTATEMENT, FEE AND EXAMINATION REQUIREMENTS FOR A DRINKING WATER OPERATOR WHOSE LICENSE HAS BEEN CANCELED FOR A PERIOD OF MORE THAN TWO YEARS.

HOUSE BILL NO. 236 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE ENDOWMENT FUND INVESTMENT BOARD; AMENDING CHAPTER 7, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-729, IDAHO CODE, TO PROVIDE THAT THE ENDOWMENT FUND INVESTMENT BOARD SHALL BE EXEMPT FROM THE PURCHASING LAWS FOR STATE AGENCIES.

HOUSE BILL NO. 237 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO STATE AGENCY STRATEGIC PLANNING AND PERFORMANCE MEASUREMENT; REPEALING SECTIONS 67-1901 THROUGH 67-1903, IDAHO CODE, RELATING TO STATE PLANNING; AMENDING CHAPTER 19, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1901, TO SET FORTH PURPOSES; AMENDING CHAPTER 19, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1902, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 19, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1903, IDAHO CODE, TO PROVIDE FOR STRATEGIC PLANNING; AMENDING CHAPTER 19, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1904, IDAHO CODE, TO PROVIDE FOR PERFORMANCE MEASUREMENT; AND AMENDING CHAPTER 19, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1905, IDAHO

CODE, TO PROVIDE FOR TRAINING.

HOUSE BILL NO. 238
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO RECORDS EXEMPT FROM DISCLOSURE; AMENDING SECTION 9-340D, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS RELATING TO ACADEMIC RESEARCH SHALL BE EXEMPT FROM DISCLOSURE AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 239
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO TRANSFER OF FUNDS TO A RESERVE FUND FOR PURPOSES OF THE BOND BANK AUTHORITY; AMENDING CHAPTER 87, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-8729, IDAHO CODE, TO AUTHORIZE THE STATE TREASURER TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE RESERVE FUND TO SECURE BONDS OF THE BOND BANK AUTHORITY AND TO PROVIDE PROCEDURES.

HOUSE BILL NO. 240
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE IDAHO BOND BANK AUTHORITY; AMENDING SECTION 67-8702, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 67-8705, IDAHO CODE, TO REVISE POWERS AND DUTIES OF THE AUTHORITY; AMENDING SECTION 67-8710, IDAHO CODE, TO CLARIFY THAT THE AUTHORITY MAY PLEDGE THE PROCEEDS OF MUNICIPAL BONDS PURCHASED FROM OTHER SELLERS; AMENDING SECTION 67-8712, IDAHO CODE, TO CLARIFY THAT MUNICIPAL BONDS MAY BE PURCHASED FROM SOURCES OTHER THAN MUNICIPALITIES; AMENDING SECTION 67-8713, IDAHO CODE, TO PROVIDE THAT THE RESERVE FUND WILL SECURE BONDS DESIGNATED BY THE AUTHORITY; AMENDING SECTION 67-8716, IDAHO CODE, TO AUTHORIZE THE AUTHORITY TO ELECT TO NOT PROVIDE FOR SALES TAX PAYMENT ON DESIGNATED BONDS AND TO CLARIFY THE PROCESS FOR PAYMENT OF SALES TAX MONEYS IF OTHER SOURCES ARE NOT SUFFICIENT; AMENDING SECTION 67-8725, IDAHO CODE, TO PROVIDE FOR BONDS WHERE NO INTERCEPT OCCURS, TO CLARIFY THAT PROVISIONS FOR INTERCEPTING A MUNICIPALITY'S FUNDS TO PAY MUNICIPAL BONDS APPLY ONLY TO MUNICIPALITIES THAT HAVE AGREED TO BE SUBJECT TO SUCH INTERCEPT AND THAT ONLY FUNDS LAWFULLY AVAILABLE FOR REPAYMENT OF A MUNICIPALITY'S BONDS MAY BE INTERCEPTED AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-8727, IDAHO CODE, TO REVISE THE ALTERNATIVE INTERCEPT PROCEDURE AND TO MAKE TECHNICAL

CORRECTIONS; AND AMENDING CHAPTER 87, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-8728, IDAHO CODE, TO PROVIDE A LIMITED EXEMPTION FROM INTERCEPT PROVISIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 241
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO INCREASE THE MAXIMUM AMOUNT OF THE FIFTY-FIFTY HOMEOWNER'S EXEMPTION AND TO ALLOW TWENTY PERCENT OF THE MARKET VALUE FOR ASSESSMENT PURPOSES OF LAND INCLUDED IN A HOMESTEAD TO BE EXEMPT FROM TAXATION AS LONG AS THE TOTAL EXEMPTION FOR THE RESIDENTIAL IMPROVEMENT AND LAND SHALL NOT EXCEED SEVENTY THOUSAND DOLLARS OF MARKET VALUE FOR ASSESSMENT PURPOSES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 242
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE THAT THE FIRST SEVENTY-FIVE THOUSAND DOLLARS OF THE MARKET VALUE FOR ASSESSMENT PURPOSES OF RESIDENTIAL IMPROVEMENTS, OR FIFTY PERCENT OF THE MARKET VALUE FOR ASSESSMENT PURPOSES OF RESIDENTIAL IMPROVEMENTS, WHICHEVER IS THE LESSER, SHALL BE EXEMPT FROM PROPERTY TAXATION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 243
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO ALLOW LAND TO BE INCLUDED IN THE VALUE OF THE FIFTY-FIFTY HOMEOWNER'S EXEMPTION AND TO PROVIDE AN INCREASED EXEMPTION FOR CERTAIN PERSONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 244
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO FEE INCREASES; AMENDING SECTION 63-1311A, IDAHO CODE, TO LIMIT THE APPLICATION OF ADVERTISEMENT AND HEARING REQUIREMENTS IN CERTAIN CASES INVOLVING PROPOSED FEE INCREASES OF ONE DOLLAR OR LESS AND TO MAKE TECHNICAL CHANGES.

H 231, H 232, H 233, H 234, H 235, H 236, H 237, H 238, H 239, H 240, H 241, H 242, H 243, and H 244 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

First Reading of Engrossed Bills

H 1, as amended, by Ring, Wills, Rusche, and Mitchell, was introduced, read the first time by title and filed for second reading.

H 49, as amended, and **H 85**, as amended, by State Affairs Committee, were introduced, read the first time by title and filed for second reading.

H 63, as amended, by Commerce and Human Resources Committee, was introduced, read the first time by title and filed for second reading.

H 145, as amended, by Environment, Energy, and Technology Committee, was introduced, read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

H 67 and **H 70**, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

H 78, H 79, H 80, H 81, H 82, and H 131, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

H 111, H 112, H 113, H 114, H 115, H 116, H 121, and H 122, by Business Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that **H 126** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

H 126 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Denney to open debate.

The question being, "Shall **H 126** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini,

Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie(Telleria), Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Bradford. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 126** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 87 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Miller and Mr. Edmunson to open debate.

The question being, "Shall **H 87** pass?"

Roll call resulted as follows:

AYES -- Bastian, Black, Boe, Deal, Edmunson, Field(23), Garrett, Henbest, Jaquet, Jones, LeFavour, Martinez, Miller, Mitchell, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Rusche, Rydalch, Shepherd(2), Smith(30), Smylie(Telleria), Snodgrass, Trail, Wood. Total -- 27.

NAYS -- Anderson, Andrus, Barraclough, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Denney, Ellsworth, Eskridge, Field(18), Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Raybould, Roberts, Sali, Sayler, Schaefer, Shepherd(8), Shirley, Skippen, Smith(24), Stevenson, Wills, Mr. Speaker. Total -- 42.

Absent and excused -- Bradford. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 87** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10:30 a.m., Friday, February 18, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:17 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk

